

Barry McHugh
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U.S. COURT
2004 MAR 23 PM 3 34
FILED
CLERK OF COURT
IDAHO

Attorneys for Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In Re:)	Case No. 03-21652
)	
GERALD & ONA LINDSEY,)	TRUSTEE'S MOTION FOR
)	TURNOVER OF MAIL
Debtors)	
)	
)	

COMES NOW Ford Elsacsser, the Chapter 7 Trustee, by and through his attorney of record, Barry McHugh of ELSAESSER JARZABEK ANDERSON MARKS ELLIOTT & MCHUGH, CHTD., and hereby moves the Court pursuant to 11 U.S.C. §§ 542 and 521(3) for an order directing the Pack and Mail Center at 801 Woodside Road, Redwood City, California 94061 to turn over to the Trustee all mail received at their facility, addressed to or in care of the following:

Gerald and Ona Lindsey
Searchlight Trust
River Mountain Ranch

This motion is supported by the Affidavit of Barry McHugh in Support of Second Motion to Amend the Petition and Motion for Turnover of Property, filed herewith. The motion is further supported by 11 U.S.C. §§ 521(3) (debtor's obligation to cooperate with trustee) and 542(e), which provides:

Subject to any applicable privilege, after notice and a hearing, the court may order an attorney, an accountant, or other person who holds recorded information,

TRUSTEE'S MOTION FOR
TURNOVER OF MAIL - 1

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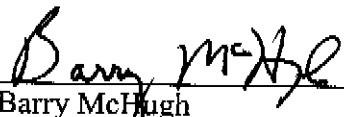
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including books, documents, records, and papers, relating to the debtor's property or financial affairs, to disclose such recorded information to the trustee.

A similar request was approved in *In Re Crabtree*, 37 Br. 426 (E.D. Tenn. 1984). The Trustee here does not request the turnover of mail containing privileged communications. Further, the Trustee is requesting mail sent to the alleged administrator of the named entities, about which Debtors claim to have little or no knowledge. Therefore, constitutional concerns are not implicated, and therefore it is unnecessary to appoint a disinterested third party to screen the mail before it is provided to the Trustee. The Trustee shall maintain a record of the mail received by him on a daily basis, including a description of the item of mail, the postmark, return address, if any, and the nature of communication which is opened and read. Should any mail from an attorney be received, the Trustee will return it to the Pack and Mail Center for delivery. This motion is designed to meet the goals of the Trustee in collecting assets related to the named entities. Debtors have testified in the Section 341 Hearing that they have little or no knowledge regarding the assets owned by the named entities. Further, the alleged administrator, Mike Ioane, has demonstrated in the past an unwillingness to provide information regarding the named entities when requested. Therefore, the interception of mail is requested as necessary for the Trustee to determine the nature and extent of assets which are a part of the bankruptcy estate.

DATED this 23rd day of March, 2004.

ELSAESSER JARZABEK ANDERSON MARKS
ELLIOTT & MCHUGH, CHTD.

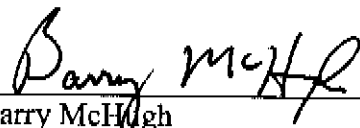


Barry McHugh
Attorney for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2004, a true and correct copy of the foregoing TRUSTEE'S MOTION FOR TURNOVER OF MAIL was served upon the following via U.S. Mail, first class, postage prepaid.

Ford Elsaesser Chapter 7 Trustee P.O. Box 2220 Sandpoint, ID 83864	U.S. Trustee 304 N. 8 th Street, Rm 347 Boise, ID 83702
Brit D. Groom Attorney at Law P.O. Box 218 Grangeville, ID 83530	Warren Derbidge US Attorney's Office 877 w. Main, Ste. 201 Boise, ID 83702
Sheila R. Schwager Hawley Troxell P.O. Box 1617 Boise, ID 83701-1617	Gerald & Ona Lindsey HC01 Box 109A White Bird, ID 83554
Mountain Property Management and Trust Company HC01 Box 109B White Bird, ID 83554	National Holding Trust HC01 Box 109B White Bird, ID 83554
Equitable Financial Services HC01 Box 109B White Bird, ID 83554	



Barry McHugh